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In re Application of :
McVeigh et al. :
Application No. 09/274,157 : DECISION GRANTING PETITION
Filed: 22 March, 1999 :
Attorney Docket No. 42390.P7111 :

This is a decision on the petition filed on 8 June, 1999, requesting that the above-identified application, including Figure 14, be accorded a filing date of 22 March, 1999.

On 22 March, 1999, the application was deposited.

On 20 April, 1999, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date and that the drawing of Figure 14 described in the specification was omitted.

In response, on 8 June, 1999, inter alia, the present petition and an authorization to charge counsel's deposit account for the requisite petition fee were filed. Petitioners argue that ten (10) sheets of drawings containing Figures 1 through 15 were included with the application papers deposited on 22 March, 1999. As evidence thereof, petitioners submitted a copy of their postcard receipt which acknowledges receipt of ten (10) sheets of drawings on 22 March, 1999. Petitioners request that the application, including Figure 14, be accorded a filing date of 22 March, 1999, and the petition fee be refunded. A copy of one (1) sheet of drawings including Figure 14 was also submitted.

Upon review of the record, no sheet of drawings containing Figure 14, deposited on 22 March, 1999, has been located among the application papers. However, the evidence is convincing that the application papers deposited on 22 March, 1999, included one (1) sheet of drawings containing Figure 14, which was subsequently

misplaced in the PTO. Therefore, the application, including a drawing of Figure 14, is entitled to a filing date of 22 March, 1999.

In view of the above, the petition is granted. The one (1) sheet of drawing containing Figure 14 submitted with the petition will be used for examination purposes. The petition fee, which has been charged to counsel's deposit account, will be refunded.

The Notice mailed on 20 April, 1999, was sent in error and is hereby vacated.

Receipt is acknowledged of an Information Disclosure Statement filed on 30 April, 1999.

The \$130.00 petition fee will be credited to counsel's deposit account, No. 02-2666.

Thereafter, the application will be returned to the Office of Initial Patent Examination for further processing with a filing date of 22 March, 1999, using the application papers filed on 22 March, 1999, and the one (1) sheet of drawing containing Figure 14 filed on 8 June, 1999, and an indication on the file wrapper that ten (10) sheets of drawings were included on filing.

Any inquiries related to this decision should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



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